

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated April 17, 2009 (hereinafter Office Action) have been considered. Claims 1-23, 25-32, 48, 50-59 and 61-66 remain pending in the application. Claims 1, 4, 6, 9, 18, 27, 29, 48, 53, and 55 are amended herein. Claims 13, 15, 30, and 53 are canceled herein. No new matter has been added. Reconsideration of the claims and allowance of the application in view of the present amendment and response is respectfully requested.

The Applicant appreciates the Examiner participating in the phone interview on June 23, 2009, in which the rejections and proposed claim amendments were discussed. It was agreed that the claim amendments and comments resolved the below rejections.

Claims 1-17, 48, 50-59 and 61-66 are rejected based on 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Applicant submits that through amendment and reference to claims 55-59 as originally submitted resolves the above referenced rejection. Therefore, the Applicant respectfully request reconsideration and withdrawal of the §112, first paragraph rejection of claims 1-17, 48, 50-59 and 61-66.

Claims 1-23, 25-32, 48, 50-59 and 61-66 are rejected based on 35 U.S.C. §112, first paragraph, as based on a disclosure which is not enabling. Along the same lines, claims 1-23, 25-32, 48, 50-59 and 61-66 are rejected based on 35 U.S.C. §112, second paragraph, as being incomplete.

These rejections stemmed from lack of recitation of a ground layer and a power source. All independent claims now recite a power source. In claims where the agent was disposed along a lead, a ground layer has been added. Regarding claims where the agent is disposed along the can, the Applicant notes that the specification states that the can could serve as the ground layer (Page 15, Lines 9-12), and that these claims all include a can, although these claims are not necessarily limited to such an interpretation.

Claims 1-17, 48, 50-59 and 61-66 are rejected based on 35 U.S.C. §112, second paragraph, as being indefinite.

Specifically, claim 1 is identified in the Office Action as vague for stating that the agent is disposed along the implantable cardiac system. Claim 1 has been amended to specify that the agent is along the can.

Claims 1, 48, and 55 are identified as vague over confusion of whether the same driver is being used for the lead and the can. Claim 1 has been amended to specify that agent delivery is from the can. Claim 48 has been amended to specify that agent delivery is from the lead.

Although claim 48 recites *a* driver apparatus, the components are mostly recited in pairs (e.g., a first PVDF layer on the lead and a second on the can). Therefore, while one apparatus delivers the respective agents, it should be sufficiently clear to one having ordinary skill in the art how this is carried out. The same ordinarily skilled artisan would also understand that a single power source could be used for delivery of agents from the lead and the can.

Authorization is given to charge Deposit Account No. 50-3581 (GUID.626PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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